

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2011-054764

12/10/2014

HONORABLE JOHN R. HANNAH JR

CLERK OF THE COURT
T. McMillian
Deputy

AMY OVERMAN

JACK LEVINE

v.

KATHRYN RYAN

MICHAEL S FERRARO

TRIAL MINUTE ENTRY
DAY 3

Courtroom 102 - NE

9:01 a.m. Trial to a Jury continues from December 9, 2014. Plaintiff Amy Overman is not present but represented by counsel, Jack Levine. Defendant Kathryn Ryan is present and represented by counsel, Michael Ferraro.

The jury is not present.

A record of the proceedings is being made by CD (FTR) in lieu of a court reporter.

Instructions are settled and verdicts are prepared.

9:14 a.m. Court stands at recess.

9:23 a.m. Court reconvenes with respective parties and counsel present. The jury is present.

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The Court provides an answer to Juror Question No. 7 to the jury. (FILED: December 9, 2014)

LET THE RECORD REFLECT that the Court has received a written question from the jury. Court and counsel discuss the same.

The Court provides an answer to the juror question.

FILED: Juror Question No. 8.

Dr. Douglas Hartzler is sworn and testifies.

Plaintiff's Exhibits 3 and 4 are received into evidence.

10:43 a.m. The jury is admonished and excused and court stands at recess.

10:59 a.m. Court reconvenes with respective parties and counsel present. The jury is present.

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LET THE RECORD REFLECT that the Court has received a written question from the jury. Court and counsel discuss the same.

The Court provides an answer to the juror question.

FILED: Juror Question No. 9

Dr. Douglas Hartzler testifies further.

The witness is excused.

Defendant rests.

Both sides rest.

The jury is instructed by the Court as to the law applicable to this cause.

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FILED: Final Jury Instructions

11:55 a.m. The jury is reminded of previous admonitions and Court stands at recess.

1:31 p.m. Court reconvenes with respective parties and counsel present. The jury is present.

A record of the proceedings is being made by CD (FTR) in lieu of a court reporter.

Closing arguments.

2:20 p.m. The jury retires in charge of sworn bailiff to consider their verdicts.

2:44 p.m. Court reconvenes with respective parties and counsel present. The jury is not present.

A record of the proceedings is being made by CD (FTR) in lieu of a court reporter.

The Court has received a note from the jury. Same is discussed with counsel and a written response submitted.

2:45 p.m. Court stands at recess.

FILED: Jury Note

2:54 p.m. Court reconvenes with respective parties and counsel present.

A record of the proceedings is being made by CD (FTR) in lieu of a court reporter.

The jury is all present in the jury box and by their foreperson return into Court their verdict, which is read and recorded by the Clerk and is as follows:

"We, the jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find in favor of Defendant Kathryn Ryan.

The verdict is unanimous and signed by the Foreperson.

The jurors reply that this is their true verdict.

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FILED: Verdicts, Jury List

2:57 p.m. The jury is thanked by the Court and excused from further consideration of this cause.

IT IS ORDERED that within ten business days from today's date, Defense counsel will submit a proposed form of judgment to the Court and an application for fees or costs as appropriate. Plaintiff will have the time afforded under the Rules to object.

2:58 p.m. Trial concludes.

IT IS ORDERED that the jury fees be assessed against Plaintiff in the sum of \$707.13 all in accordance with the formal written Judgment for Jury Fees signed by the Court on December 10, 2014 and filed (entered) by the clerk on December 10, 2014.

There being no further need to retain the exhibits not offered in evidence in the custody of the Clerk of the Court,

IT IS ORDERED that the clerk permanently release all exhibits not offered in evidence to the counsel/party causing them to be marked, or to their written designee. Counsel/party shall have the right to refile relevant exhibits as needed in support of any appeal. Refiled exhibits must be accompanied by a Notice of Refiling Exhibits and presented to the Exhibits Room of the Clerk's Office. The Court's exhibit tag must remain intact on all refiled exhibits.

IT IS FURTHER ORDERED that counsel/party or written designee take immediate possession of all exhibits referenced above.

ISSUED: Exhibit Release Form (2)

FILED: Exhibit Worksheet